

## Drug Enforcement Administration, Justice

## § 1316.45

### § 1316.34 Records of proceeding.

A formal record, either verbatim or summarized, of the hearing may be made at the discretion of the Special Agent in Charge. If a verbatim record is to be made, the person attending the hearing will be so advised prior to the start of the hearing.

[37 FR 15924, Aug. 8, 1972. Redesignated at 38 FR 26609, Sept. 24, 1973, and amended at 47 FR 41735, Sept. 22, 1982]

### Subpart D—Administrative Hearings

AUTHORITY: 21 U.S.C. 811, 812, 871(b), 875, 958(d), 965.

### § 1316.41 Scope of subpart D.

Procedures in any administrative hearing held under the Act are governed generally by the rule making and/or adjudication procedures set forth in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by the procedures set forth in this subpart, except where more specific regulations (set forth in §§ 1301.51–1301.57, §§ 1303.31–1303.37, §§ 1308.41–1308.51, §§ 1311.51–1311.53, §§ 1312.41–1312.47, or §§ 1313.51–1313.57) apply.

[36 FR 7820, Apr. 24, 1971, as amended at 37 FR 15924, Aug. 8, 1972. Redesignated at 38 FR 26609, Sept. 24, 1973, as amended at 62 FR 13970, Mar. 24, 1997]

### § 1316.42 Definitions.

As used in this subpart, the following terms shall have the meanings specified:

(a) The term *Act* means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term *Administrator* means the Administrator of the Administration. The Administrator has been delegated authority under the Act by the Attorney General (28 CFR 0.100).

(c) The term *hearing* means any hearing held pursuant to the Act.

(d) The term *Hearing Clerk* means the hearing clerk of the Administration.

(e) The term *person* includes an individual, corporation, government or governmental subdivision or agency,

business trust, partnership, association or other legal entity.

(f) The term *presiding officer* means an administrative law judge qualified and appointed as provided in the Administrative Procedure Act (5 U.S.C. 556).

(g) The term *proceeding* means all actions involving a hearing, commencing with the publication by the Administrator of the notice of proposed rule making or the issuance of an order to show cause.

(h) Any term not defined in this part shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) or part 1300 of this chapter.

[36 FR 7820, Apr. 24, 1971, as amended at 38 FR 757, Jan. 4, 1973. Redesignated at 38 FR 26609, Sept. 24, 1973, as amended at 62 FR 13969, Mar. 24, 1997]

### § 1316.43 Information; special instructions.

Information regarding procedure under these rules and instructions supplementing these rules in special instances will be furnished by the Hearing Clerk upon request.

### § 1316.44 Waiver or modification of rules.

The Administrator or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this subpart by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

### § 1316.45 Filings; address; hours.

Documents required or permitted to be filed in, and correspondence relating to, hearings governed by the regulations in this chapter shall be filed with the Hearing Clerk, Drug Enforcement Administration, Department of Justice, Washington, DC 20537. This office is open Monday through Friday from 8:30 a.m. to 5 p.m. eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays. Documents shall be dated and